### Before the FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In re Applications of	) MM Docket No. 91-10
WHITE BROADCASTING PARTNERSHIP	) File No. BPH-891214M
et al.	)

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

#### **AMENDMENT**

The application of Peaches Broadcasting, Ltd. is hereby amended to report that the following application has been designated for hearing:

> Rupert of East Baton Rouge Broadcasting L.P., File No. BPH-881215NQ, MM Docket No. 90-634 (HDO released January 28, 1991)

Peaches' limited partner, United Communications, Inc. ("UCI") is a limited partner holding a 75% equity interest in Rupert. Peaches has no interest in Rupert.

I declare under penalty of perjury that the information stated above is true. Executed 27 7el 91.

Respectfully, subject ced,

David Honig

1800 N.W. 187th Street Miami, Florida 33056

(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

March 2, 1991

I, David Honig, this 2nd day of March, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

Hon. Edward Luton Administrative Law Judge Federal Communications Commission 2000 L Street N.W. Washington, D.C. 20554

Denise B. Moline, Esq. McCabe & Allen 9105 Owens Dr. Manassas Park, VA 22111 Counsel for White

Dennis Kelly, Esq.
Cordon & Kelly
1920 N St. N.W.
Washington, D.C. 20036
Counsel for First Coast

James L. Winston, Esq. Rubin Winston & Diercks 1730 M St. N.W. #412 Washington, D.C. 20036 Counsel for Northeast Charles Dziedzic, Esq. FCC Hearing Branch 2025 M Street N.W. #7212 Washington, D.C. 20554

Allan G. Moskowitz, Esq. Kaye Scholer et al. 901 15th St. N.W. #1100 Washington, D.C. 20005 Counsel for Sage

Arthur V. Belendiuk, Esq. Smithwick & Belendiuk 2033 M Street N.W. Washington, D.C. 20036 Counsel for Johnson

Joyce E. Morgan 2372 Pacific Silver Dr. Jacksonville, FL 32216 Principal of JEM

David Honig

In re Applications of	) MM Docket No. 89-543
Esteban Don Lizardo and Matt Franich d/b/a Lizardo-Franich Partnership	) File No. BPH-871109MF
et al.	)
For Construction Permit for a New	Ś
FM Station on Channel 278A,	<b>)</b>
Sacramento, California	)

To: Hon. Edward Luton, Administrative Law Judge

### PETITION FOR LEAVE TO AMEND AND AMENDMENT

Fahlda Broadcasting Company, A California Limited Partnership ("Fahlda") respectfully petitions to amend its application to report that the release of Eugene Walton, FCC 91D-8 (released March 1, 1991). One of the applicants in Walton, Novella Broadcasting Company, L.P. ("Novella"), shares with Fahlda the same limited partner, A.H.A.B. Family Trust. Although Novella was found basically qualified in Walton, its application was denied. While Fahlda does not believe it is required to report the Walton decision, it does so out of an abundance of caution in order to honor both the letter and spirit of \$1.65 of the rules. Fahlda notes that Walton is not a final order. See 47 CFR \$1.276(a)(1).

Acceptance of the amendment is appropriate under the good cause standard articulated in <a href="Erwin O'Conner Broadcasting Co.">Erwin O'Conner Broadcasting Co.</a>, 22 FCC2d 140, 143 (Rev. Bd. 1970). No new issues or parties need to be added by virtue of the filing of the amendment, and no additional round of pleadings need result from acceptance of the amendment. Finally, no comparative advantage would derive from acceptance of the amendment.

Therefore, good cause having been demonstrated, the Presiding

Judge should grant this motion and accept the amendment. The

supportive declaration of Fahlda Nelson is appended thereto.

Respectfully submitted,

David Honig

1800 N.W. 187th Street

Miami, Florida 33056

Counsel for

Fahlda Broadcasting Company, A California Limited Partnership

March 27, 1991

In re Applications of	) MM Docket No. 89-543
Esteban Don Lizardo and Matt Franich d/b/a Lizardo-Franich Partnership	) File No. BPH-871109M
et al.	)
For Construction Permit for a New	ý
FM Station on Channel 278A,	)
Sacramento, California	

#### **AMENDMENT**

Fahlda Broadcasting Company, A California Limited Partnership ("Fahlda") respectfully amends its application to report the release of <a href="Eugene Walton">Eugene Walton</a>, FCC 91D-8 (released March 1, 1991). One of the applicants in <a href="Walton">Walton</a>, Novella Broadcasting Company, L.P. ("Novella"), shares with Fahlda the same limited partner, A.H.A.B. Family Trust. Although Novella was found basically qualified in <a href="Walton">Walton</a>, its application was denied.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true.

Executed 3187.

lda Nelson

I, David Honig, hereby certify that I have delivered by U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" this 22 day of March, 1991, to the following:

Charles Dziedzic, Esq. Hearing Division, FCC 2025 M Street N.W. #7212 Washington, D.C. 20554

Paul Zevnik, Esq.
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Counsel for Rio Americano

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Arent Fox et al.
1050 Conn. Ave. N.W.
Washington, D.C. 20036
Counsel for Old Town

Forrest Maurer, President One-O-Three Broadcasting Co. 3815 Myrna Way Sacramento, CA 95821

B. Jay Baraff, Esq.
Baraff Koerner et al.
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Washington, D.C. 20036
Counsel for Olympic

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Washington, D.C. 20006
Counsel for Old Sacramento

Edward Taptich, Esq.
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1001 Penn Ave. N.W. #750
Washington, D.C. 20004
Counsel for Sacramento FM

Hon. Edward Luton Administrative Law Judge, FCC 2000 L Street N.W. #225 Washington, D.C. 20554

John J. Schimmenti, Esq.
Schimmenti Mullins & Berberian
426 Main St.
El Segundo, CA 90245
Counsel for Lizardo-Franich

Michael D. Wilhelm, Esq. 1350 Conn. Ave. N.W. #905 Washington, D.C. 20036 Counsel for Media West

Steven Gavin, Esq.
Besozzi & Gavin
1901 L St. N.W.
Washington, D.C. 20036
Counsel for JAM FM

David Oxenford, Esq.
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Co-Counsel for Jack Powell

Lester Spillane, Esq. 1040 Main St. #201 Napa, CA 94559 Co-Counsel for Jack Powell

Christopher Imlay, Esq. Booth Freret & Imlay 1920 N St. N.W. Washington, D.C. 20036 Counsel for George Fung

David Honig

D.O. Box 12563 PEAChES PRODUCTIONS GRAVE JACKSONVIII/6/17-32205

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In re	Applications	of	)	MM	Docket	No.	91-10
WHITE et·al	BROADCASTING	PARTNERSHIP	) ·)	Fi]	le No.	BPH-8	391214MM

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

### PETITION FOR LEAVE TO AMEND AND AMENDMENT

Peaches Broadcasting, Ltd., ("Peaches") by counsel, respectfully petitions to amend its application to update Exhibit 1 (Media Interests) to its application. The amendment specifically updates the media interests of Dr. James Freemont, a 16.67% stockholder in Peaches' limited partner United Communications, Inc. ("UCI") and a 50% equity holder and sole limited partner in TFB Associates Limited Partnership ("TFB"). TFB was an applicant for an FM construction permit to serve Hogansville, Georgia, MM Docket No. 90-52, File No. BPH-880602NB. This amendment reports that pursuant to Judge Kuhlmann's MO&O, FCC 91M-791 (released February 28, 1991) (approving merger of three remaining applicants, including TFB, and terminating the proceeding), TFB has merged its application into that of T. Wood & Associates, Inc. ("Wood). TFB has a 33% voting equity interest in Wood, giving Dr. Freemont, indirectly, a 16.5% equity interest in the merged entity. TFB remains an insulated limited partnership pursuant to a written limited partnership agreement meeting the Commission's requirements as set out in <u>Attribution Rules</u> (Reconsideration).

This amendment is submitted for \$1.65 purposes to keep the application current. Accordingly, the attached Amendment should be accepted and this Petition granted. See Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,

David Honig 1800 N.W. 187th Street Miami, Florida 33056

(305) 628-3600 Counsel for Peaches Broadcasting, Ltd.

May 17, 1991

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In re	Applications	of	)	MM Docket No. 91-10
WHITE :	BROADCASTING	PARTNERSHIP	)	File No. BPH-891214MM

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

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I hereby affirm under penalty of perjury under the laws of the United States of America that the representations herein are true and correct to the best of my knowledge.

Executed 14 May 9/.

Frederick Matthews



I, David Honig, this / th day of May, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

Y. Paulette Laden, Esq. FCC Hearing Branch 2025 M Street N.W. #7212 Washington, D.C. 20554

Denise B. Moline, Esq. McCabe & Allen 9105 Owens Dr. Manassas Park, VA 22111 Counsel for White Office of the Chief Counsel Federal Aviation Administration 800 Independence Ave. S.W. Suite AGC-230 Washington, D.C. 20591

Arthur V. Belendiuk, Esq. Smithwick & Belendiuk 2033 M Street N.W. Washington, D.C. 20036 Counsel for Johnson

James L. Winston, Esq. Rubin Winston & Diercks 1730 M St. N.W. #412 Washington, D.C. 20036 Counsel for Northeast Avelino G. Halagao, Esq. 7799 Leesburg Pike #900 Falls Church, VA 22043 Counsel for JEM

David Honig



In r	ce Applications	of	)	MM	Docket	No.	91-10
WHI1 et a	TE BROADCASTING	PARTNERSHIP	)	Fi]	Le No.	BPH-8	39121 <b>4MM</b>

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

### PETITION FOR LEAVE TO AMEND AND AMENDMENT

Peaches Broadcasting, Ltd., ("Peaches") by counsel, respectfully petitions to amend its application to update Exhibit 1 (Media Interests) to its application. The amendment reports the designation for hearing of the application of Jamal Broadcasting, L.P. ("Jamal") (BPH-891012MS) for a new FM construction permit in Baldwin, Florida (DA 91-377, released April 18, 1991) and Jamal's filing, on May 7, 1991, of a Notice of Appearance in that matter (MM Docket No. 91-84). Peaches' limited partner, United Communications, Inc. ("UCI") is a limited partner of Jamal.

This amendment is submitted for \$1.65 purposes to keep the application current. Accordingly, the attached Amendment should be accepted and this Petition granted. See Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,

David Honig

1800 N.W. 187th Street Miami, Florida 33056

(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

May 17, 1991

In re	Applications	of	)	MM Docket No. 91-10
WHITE et al	BROADCASTING	PARTNERSHIP	)	File No. BPH-891214MM

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

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I hereby affirm under penalty of perjury under the laws of the United States of America that the representations herein are true and correct to the best of my knowledge.

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rederick Martnews



I, David Honig, this 17th day of May, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
Commission
2000 L Street N.W.
Washington, D.C. 20554

Denise B. Moline, Esq. McCabe & Allen 9105 Owens Dr. Manassas Park, VA 22111 Counsel for White

Arthur V. Belendiuk, Esq. Smithwick & Belendiuk 2033 M Street N.W. Washington, D.C. 20036 Counsel for Johnson

James L. Winston, Esq. Rubin Winston & Diercks 1730 M St. N.W. #412 Washington, D.C. 20036 Counsel for Northeast Y. Paulette Laden, Esq. FCC Hearing Branch 2025 M Street N.W. #7212 Washington, D.C. 20554

Office of the Chief Counsel Federal Aviation Administration 800 Independence Ave. S.W. Suite AGC-230 Washington, D.C. 20591

Avelino G. Halagao, Esq. 7799 Leesburg Pike #900 Falls Church; VA 22043 Counsel for JEM

David Honio



In re	Applications	of	)	MM Docket	No. 91-10
WHITE et al.	BROADCASTING	PARTNERSHIP	)	File No.	врн-891214мм

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

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This amendment is submitted for \$1.65 purposes to keep the application current. Accordingly, the attached Amendment should be accepted and this Petition granted. See Erwin O'Conner Broadcasting Co., 22 FCC2d 140, 143 (Rev. Bd. 1970).

Respectfully submitted,

David Honig

1800 N.W. 187th Street

Miami, Florida 33056

(305) 628-3600

Counsel for Peaches Broadcasting, Ltd.

May [7, 1991



In re	Applications	of	)	MM Docket No. 91-10
WHITE et al	BROADCASTING	PARTNERSHIP	) ) }	File No. BPH-891214MM

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9105 Owens Dr.
Manassas Park, VA 22111
Counsel for White

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James L. Winston, Esq. Rubin Winston & Diercks 1730 M St. N.W. #412 Washington, D.C. 20036 Counsel for Northeast Y. Paulette Laden, Esq. FCC Hearing Branch 2025 M Street N.W. #7212 Washington, D.C. 20554

Office of the Chief Counsel Federal Aviation Administration 800 Independence Ave. S.W. Suite AGC-230 Washington, D.C. 20591

Avelino G. Halagao, Esq. 7799 Leesburg Pike #900 Falls Church, VA 22043 Counsel for JEM

David Honig



In re	Applications	of	)	MM	Docket	No.	91-10
WHITE	BROADCASTING	PARTNERSHIP	)	Fil	Le No.	BPH-8	391214 <b>M</b> M

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

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Respectfully submitted,

David Honig 1800 N.W. 187th Street Miami, Florida 33056 (305) 628-3600 Counsel for Peaches Broadcasting, Ltd.

May [7, 1991



In re App	olications	of	)	MM D	ocket	No.	91-10
WHITE BRO	DADCASTING	PARTNERSHIP	)	File	No. I	BPH-8	91214MM

For Construction Permit for a New FM Station Station on Channel 289A in Baldwin, Florida

To: Hon. Edward Luton, Administrative Law Judge

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I hereby affirm under penalty of perjury under the laws of the United States of America that the representations herein are true and correct to the best of my knowledge.

Executed 147/1499.

Frederick Matthews



I, David Honig, this / th day of May, 1991, hereby certify that I have placed in U.S. First Class Mail, postage prepaid, a copy of the foregoing "Petition for Leave to Amend and Amendment" addressed to the following:

Hon. Edward Luton
Administrative Law Judge
Federal Communications
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2000 L Street N.W.
Washington, D.C. 20554

Denise B. Moline, Esq. McCabe & Allen 9105 Owens Dr. Manassas Park, VA 22111 Counsel for White

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Avelino G. Halagao, Esq. 7799 Leesburg Pike #900 Falls Church, VA 22043 Counsel for JEM

David Honiq



I hereby affirm under penalty of perjury under the laws of the United States of America that the representations herein are true and correct to the best of my knowledge.

Executed 147/1499/

Frederick Matthews